

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Michael Jamal Allen

Docket No. 5:18-CR-249-1D

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Jamal Allen, who, upon an earlier plea of guilty to Distribution of a Quantity of Heroin, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on April 1, 2019, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Michael Jamal Allen was released from custody on September 20, 2021, at which time the term of supervised release commenced. On December 9, 2021, a Petition for Action was filed advising of new criminal conduct and a positive urinalysis. The defendant was continued in the Surprise Urinalysis Program (SUP) and referred for substance abuse counseling, and the court imposed a 45-day period of Location Monitoring (Curfew). Additionally, on December 16, 2021, a Violation Report was filed advising of new criminal conduct. The violation was held in abeyance to allow the probation office to investigate the incident further. On December 27, 2021, an Amended Violation Report was filed advising of additional criminal conduct. These violations were also held in abeyance to allow the probation office to conduct further investigation. Lastly, on April 19, 2022, a Violation Report was filed advising of new criminal conduct. A reprimand was issued, the defendant was instructed not to drive until he has obtained a valid driver's license, and the violation was held in abeyance pending disposition of the charge and other pending charges.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 19, 2022, Allen tested positive for marijuana. Although he denied any drug use, the positive urinalysis was confirmed by Alere Toxicology Services, Inc. A verbal reprimand was issued, the frequency of the defendant's urinalyses was increased, and his substance abuse counselor was advised of the positive urinalysis. Based on this positive urinalysis, a 90-period of Location Monitoring (Curfew) is also recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Timothy L. Gupton
Timothy L. Gupton
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: May 31, 2022

ORDER OF THE COURT

Considered and ordered this 1 day of June, 2021, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge